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Attorneys for Defendants

JDS Uniphase Corporation and

Agility Communications, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

BOOKHAM, INC., a Delaware Corporation,

Plaintiff,

v.

JDS UNIPHASE CORPORATION, a Delaware
corporation;

AGILITY COMMUNICATIONS, INC., a
Delaware corporation; and DOES 1-10,

Defendants.

Case No.: C 08-01275-RMW

**DECLARATION OF MARY V. SOOTER
IN SUPPORT OF DEFENDANTS JDS
UNIPHASE CORPORATION AND
AGILITY COMMUNICATIONS, INC.'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

[Civil L.R. 3-12(b)]

1 I, Mary V. Sooter, hereby declare as follows:

2 1. I am an associate of the law firm of firm Faegre & Benson LLP, counsel to
3 defendants JDS Uniphase Corporation ("JDSU") and Agility Communications, Inc. ("Agility") in
4 the above captioned action. I am a member of the bar of the State of Colorado and have filed an
5 application for admission *pro hac vice* in this action. I submit this declaration in support of JDSU
6 and Agility's Administrative Motion to Consider Whether Cases Should Be Related.

7 2. On July 23, 2008, counsel for JDSU and Agility conferred via teleconference with
8 Wayne Stacy, counsel for the plaintiff Bookham, Inc., about JDSU and Agility's Administrative
9 Motion to Consider Whether Cases Should Be Related.


10 3. Mr. Stacy declined to stipulate to JDSU and Agility's Administrative Motion to
11 Consider Whether Cases Should Be Related.

12 4. Mr. Stacy based his declination to stipulate to JDSU and Agility's Administrative
13 Motion to Consider Whether Cases Should Be Related on lack of sufficient information about and
14 knowledge of Cyoptics, Inc. and Syntune, AB's products and businesses.

15 5. Mr. Stacy stated he did not intend to oppose JDSU and Agility's Administrative
16 Motion to Consider Whether Cases Should Be Related.

17
18 Dated: July 25, 2008

FAEGRE & BENSON LLP

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21 By: /s/ Mary V. Sooter 
Mary V. Sooter

22 Attorney for Defendants
23 JDS UNIPHASE CORPORATION, and
24 AGILITY COMMUNICATIONS, INC.

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ATTESTATION

I, Heather N. Mewes, attest that concurrence in the filing of this document has been obtained by Mary V. Sooter, counsel for Defendants JDS Uniphase Corporation and Agility Communications, Inc.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of July 2008 in Mountain View, California.

By: /s/ Heather N. Mewes
Heather N. Mewes